



**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

- - - - -X  
Elliott Kattan

Petitioner, **07 CIVIL 11605 (CLB)**

-against-  
J. M. Killian, Warden, Federal  
Correctional Institute - Otisville,  
New York

**JUDGMENT**

Respondent.

- - - - -X

Whereas the above named petitioner having filed a petition for a Writ of Habeas Corpus, pursuant to 28, U.S.C., Section 2241, 2243 and 2248 and the said petition having been submitted to the Honorable Charles L. Brieant, U.S.D.J., and the Court thereafter on March 26, 2008, having handed down its memorandum and order denying the said petition finding no abuse of discretion. A Certificate of Appealability shall be issued in light of the shortness of time before this recurring *issue will become moot, and because of the Court's concern as to the appropriate scope of judicial review under **Levine***, it is,

**ORDERED, ADJUDGED AND DECREED:** That the petition be and it is hereby denied. A Certificate of Appealability shall be issued in light of the shortness of time before this recurring issue will become moot, and because of the Court's concern as to the appropriate scope of judicial review under **Levine**.

Dated: White Plains, N.Y.  
March 26, 2008

  
J. Michael McMahon Clerk

*E. O. D.*

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